



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**DECEMBER 5, 2005  
9:00 A.M.**

**ROOM 159**

**AGENDA**

**Call to Order--Roll Call.**

A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

P 9

Items listed on the 2:00 p.m. Council docket requiring discussion/clarification, and additions/deletions to the 2:00 p.m. agenda. (15 minutes)

General topics for discussion by the Mayor and Members of Council. (5 minutes)

Topics for discussion at the Council/School Board retreat on Tuesday, January 3, 2006. (5 minutes)

**BRIEFINGS:**

- |  |   |            |
|--|---|------------|
| • Citizen Survey Results                 | - | 45 minutes |
| • RRHA Project Update                    | - | 10 minutes |
| • Update on Street Restoration Standards | - | 20 minutes |
| • Zoning Ordinance Revision              | - | 10 minutes |
| • New Parking Ticket Procedure           | - | 20 minutes |

P 10;  
P 11;  
P 12;  
P 13;  
P 14

**THE LEGISLATIVE COMMITTEE WILL MEET AT 10:30 A.M., IN ROOM 159,  
NOEL C. TAYLOR MUNICIPAL BUILDING.**

**A JOINT MEETING OF COUNCIL AND THE ROANOKE CITY SCHOOL BOARD  
WITH THE CITY'S REPRESENTATIVES TO THE GENERAL ASSEMBLY WILL BE  
HELD AT 12:00 P.M., IN ROOM 159.**



**ROANOKE CITY COUNCIL  
ROANOKE CITY SCHOOL BOARD  
MONDAY, DECEMBER 5, 2005**

**12:00 P.M.**

**ROOM 159**

**AGENDA**

**1. Call to Order/Roll Call**

School Board

**2. Welcome and Opening Remarks:**

Mayor Harris  
Chairperson Stockburger

**3. Presentation of the City/School 2006 Legislative Program.**

**4. Remarks by Council Members, School Trustees, and Staff.**

**5. Remarks by Senator Edwards, Delegate Fralin and Delegate Ware.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED  
AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C.  
TAYLOR MUNICIPAL BUILDING.**

**THE SCHOOL BOARD MEETING WILL BE ADJOURNED.**



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**DECEMBER 5, 2005  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call.**

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

**NOTICE:**

Today's Council meeting will be replayed on Channel 3 on Thursday, December 8, 2005, at 7:00 p.m., and Saturday, December 10, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.**

### 3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Qualification of the following persons:

Edward W. Barnett as a member of the Roanoke Arts Commission to fill the unexpired term of Mark C. McConnel, resigned, ending June 30, 2007; and

Phyllis A. Johnson as a member of the Towing Advisory Board, for a term ending June 30, 2008.

RECOMMENDED ACTION: Receive and file.

### REGULAR AGENDA

#### 4. PUBLIC HEARINGS: NONE.

#### 5. PETITIONS AND COMMUNICATIONS:

- a. Presentation of a resolution adopted by the Library Advisory Board with regard to the Comprehensive Library Study. Stanley G. Breakell, President, Spokesperson. (Sponsored by the City Manager.)

P 15

#### 6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of a Summer Food Program grant from the U. S. Department of Agriculture Food and Nutrition Services; and appropriation of funds.

P 21;  
B/O 22;  
R 23

- |    |  |                 |
|----|--|-----------------|
| 2. | Amendment of the City Code to update code enforcement regulations.   | P 24;<br>O 26   |
| 3. | Amendment of the City's Fee Compendium to reflect revised market space fees, effective January 1, 2006.  | P 28;<br>R 31   |
| 4. | Appropriation of \$465,000.00 in connection with Social Service Programs.  | P 33;<br>B/O 35 |
| 5. | Approval of the terms of a Performance Agreement for an Economic Development Grant between the City of Roanoke, Faison-Southern Lane, LLC, and the Industrial Development Authority. | P 36;<br>O 37   |
| 6. | Execution of an Amendment to the Lease Agreement with the Virginia Department of Health with regard to City-owned property located at 515 and 530 Eighth Street, S. W.               | P 39;<br>O 44   |
- b. DIRECTOR OF FINANCE:
- |    |  |               |
|----|--|---------------|
| 1. | Financial report for the month of October, 2005.   | P 45          |
| 2. | Adoption of a resolution authorizing the sale of \$3,975,000.00 taxable bonds to provide funds for acquisition of land for redevelopment and delegating authority to the City Manager and Director of Finance to complete the sale of bonds. | P 55;<br>R 57 |

## 7. REPORTS OF COMMITTEES: NONE.

## 8. UNFINISHED BUSINESS:

- |    |   |      |
|----|---|------|
| a. | Proposal of the City of Roanoke to amend the City Code to repeal Chapter 36.1, <u>Zoning</u> , and to adopt a new Zoning Ordinance, new Chapter 36.2, <u>Zoning</u> . (Ordinance was tabled by Council on Monday, November 21, 2005.)   | O 59 |
| b. | Proposal of the City of Roanoke to rezone all property in the City in order to implement new Chapter 36.2, <u>Zoning</u> , and Vision 2001-2020, the City's Comprehensive Plan, and to adopt new zoning maps. (Ordinance was tabled by Council on Monday, November 21, 2005.) | O 65 |

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

**11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

**12. CITY MANAGER COMMENTS:**

CERTIFICATION OF CLOSED SESSION.





**C. NELSON HARRIS**  
Mayor

**CITY OF ROANOKE  
OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

December 5, 2005

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink that reads "C. Nelson Harris". The signature is written in a cursive, flowing style.

C. Nelson Harris  
Mayor

CNH:snh



# CITY OF ROANOKE

## OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

City Web: [www.roanokeva.gov](http://www.roanokeva.gov)

December 5, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Citizen Survey Results

This is to request space on Council's agenda for a 45 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Darlene Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



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December 5, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Roanoke Redevelopment  
Housing Authority Project  
Update

This is to request space on Council's agenda for a 10 minute review of the  
above referenced subject.

Respectfully submitted,

  
Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



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December 5, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Update on Street Restoration  
Standards

This is to request space on Council's agenda for a 20 minute presentation on  
the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly visible.

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



# CITY OF ROANOKE

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December 5, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Zoning Ordinance Revision

This is to request space on Council's agenda for a 10 minute review of the  
above referenced subject.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



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December 5, 2005

Honorable C. Nelson Harris, Mayor and Members  
of City Council  
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: New Parking Ticket Procedure

This is to request space on Council's agenda for a 20 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Darlene L. Burcham  
City Manager

DLB:sm

c: City Clerk  
City Attorney  
Director of Finance



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December 5, 2005

The Honorable Mayor and Members of City Council  
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Library Advisory Board to share with City Council a resolution on the Comprehensive Library Study.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk

**CITY OF ROANOKE**  
**LIBRARY ADVISORY BOARD**

**A RESOLUTION URGING THE ROANOKE CITY COUNCIL TO BEGIN THE  
IMMEDIATE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE  
ROANOKE LIBRARY COMPREHENSIVE STUDY**

WHEREAS, City Council commissioned a comprehensive study of the City of Roanoke Public Library System, and the Roanoke Library Comprehensive Study (Study) was received by City Council at its meeting of October 3, 2005;

WHEREAS, although Roanoke is a vibrant community, which has been voted as one of America's most "livable" cities, the library system in the City and the Roanoke Valley is a quality of life element in which the City and Valley are clearly deficient;

WHEREAS, the current annual appropriations for City library staffing, facilities, collections, technology and programs are inadequate;

WHEREAS, the City allocates only \$2.99 per capita for library collections while Roanoke County allocates \$4.61 per capita and upper quartile peer libraries nationally allocate \$9.79 per capita;

WHEREAS, with the exception of the Law Library, all City Library facilities were built prior to the mid-1970's;

WHEREAS, the City Library staffing level is .42 staff per 1,000 population while the national staffing level for public library systems serving similar base populations (100,000 to 250,000) is .74 staff per 1,000 population;



WHEREAS, a healthy local economy is more and more dependent upon information technology and the growth of knowledge industries, and public libraries are an economic development tool, as well as an important ingredient of a community's quality of life;

WHEREAS, if Council's vision of "a community of stable, safe, healthy, caring and friendly neighborhoods" is to be achieved, then neighborhood libraries must be provided that are learning and recreational havens for Roanoke citizens; and

WHEREAS, the Roanoke Public Library Advisory Board urges a meaningful and timely response to the Roanoke Library Comprehensive Study;

THEREFORE, BE IT RESOLVED, by the Roanoke Public Library Advisory Board as follows:

1. The Library Advisory Board concurs with the regrettable finding of the Study that City Libraries are under utilized because staffing, facilities, collections, technology and programs are inadequate.

2. The Study recommends that the City begin a phased program of funding the capital needs of the City Library System which are estimated to total \$41.2 million (\$37.9 million in facilities and \$3.3 million in technology), and the Library Advisory Board urges that City Council immediately begin the process of designating funding for Phase I of the needed system capital improvements recommended by the Study (\$6.6 million in facilities and \$1.0 million in technology).

3. The Study finds that an additional appropriation of \$1.9 million per year will be required to meet the operating cost needs of the City Library System, and the Library Advisory

Board urges City Council to immediately adopt a phased program that will meet the operating costs needs of the City Library System as recommended by the Study.

4. Although the Library Advisory Board believes that merger of the City Library System and the County Library System would result in a more efficient and effective unified system, the Board recognizes that this goal may not be immediately achievable, and the Board urges close cooperation between the two systems, particularly with respect to the location of library facilities.

5. The Library Advisory Board wishes to express its appreciation to City Council for its continuing interest in the City Library System and for Council's careful consideration of the critical needs of the City Library System as documented by the Comprehensive Study.

ATTEST:

\_\_\_\_\_  
Stanley G. Breakell, President  
Library Advisory Board

Date: \_\_\_\_\_

# Phase I

## System Capital Cost

### Phase I

#### Neighborhood Center

Kiosk Branch	\$50,000
Renovation Allowance	\$200,000
Full Service Branch Library	\$6,398,000

**Total Facilities <sup>1</sup>** **\$6,648,000**

#### **Technology**

•Collection Operating System	\$375,000
•Radio Freq. Tags(308,106X .70)	\$215,675
•Self Check out Stations (17X\$22,000)	\$374,000
•A/V Allowance (ex:Safari Systems)	\$ 24,075
•Computers(127X\$750)	\$ 95,250
•Kiosk (Information)	\$ 10,000
•24/7 Hold Lockers (2X\$4500)	\$ 9,000

**Total Technology** **\$1,103,000**

**TOTAL CAPITAL COST** **\$7,751,000**

## Additional Annual Operational Cost

Staff (Adding 31 FTE)  
\$1,238,000

Collection Development  
\$ 355,388

Technology Upgrade Allowance  
\$ 200,000

Special Program Allowance  
\$ 200,000

Additional Operational Cost<sup>2</sup>  
\$1,993,338

<sup>1</sup>Land Cost not Included

<sup>2</sup>Cost are in addition to current 2004 funding  
levels of \$3,364,721

<b>EXHIBIT 6.</b>  <b>FACILITY COST ANALYSIS</b>	<b>ROANOKE LIBRARY COMPREHENSIVE STUDY</b> <b>RECOMMENDATION OF COSTS</b> <hr/> To illustrate the cost benefit of coordinating the planning and library Administration functions of the City of Roanoke and Roanoke County, two capital expansion scenarios are presented.
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**SCENARIO 1 (A)**


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**City of Roanoke Public Library**  
**Capital Cost                      Phase I**

<b>Neighborhood Center</b>	
Kiosk	\$50,000
Renovation Allowance	\$200,000
Storefront <sup>1</sup>	

Full Service Branch <sup>3</sup>	\$6,398,000
Library	

Resource/Regional <sup>3,4</sup>	
Library (72,500 sf)	

City of Roanoke Annual Cost	\$6,648,000
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**City of Roanoke Building Cost**

Parking Garage <sup>4</sup>	
(300 Cars)	

- <sup>1</sup> Storefront lease space
- <sup>2</sup> Assumes addition to an existing branch library
- <sup>3</sup> Land costs is not included in construction estimates
- <sup>4</sup> parking cost for central library is not included



# CITY OF ROANOKE

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December 5, 2005

Honorable C. Nelson Harris, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Summer Food Program  
CM05-00178

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
City Clerk  
Director of Finance

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating additional funding for the Summer Food Program Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Temporary Employee Wages	035-630-5189-1004	\$ 12,464
Revenues		
Summer Food Program Grant FY05	035-630-5189-5289	12,464

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

SJT  
11/29/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of additional allowable reimbursements from the USDA Food and Nutrition Service in the amount of \$12,464.00 on behalf of the City to provide for the nutritional needs of children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. Additional funding from the USDA Food and Nutrition Service in the amount of \$12,464.00 to provide for the nutritional needs of children and youth during the summer months, as set forth in the City Manager's letter dated December 5, 2005, to City Council, is hereby ACCEPTED.

2. The City Manager, or the City Manager's designee, is authorized to execute, and the City Clerk is authorized to attest, for and on behalf of the City, any and all requisite documents pertaining to the City's acceptance of the additional funding from the USDA Food and Nutrition Service and to furnish such additional information as may be required in connection with the City's acceptance of the foregoing funds. All documents to be executed on behalf of the City shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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**December 5, 2005**

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Amendment to City Code Section  
7-5 and 7-35 regarding building  
regulations**

### **Background:**

Effective November 16, 2005, The Virginia Department of Housing and Community Development adopted the 2003 edition of the Virginia Uniform Statewide Building Code (USBC) for the purpose of establishing minimum regulations to govern the construction and maintenance for buildings and structures. The provisions of the USBC are based on nationally recognized model building codes published by the International Code Council, Inc. and are made part of the USBC by reference. The USBC also contains administrative provisions governing the use of the model codes and establishing requirements for the enforcement of the USBC code by the local building departments and other code enforcement agencies.

### **Considerations:**

Amending the Code of the City of Roanoke (1979), as amended (City Code), will reflect in the City Code the recent amendments to the Virginia USBC, by referring to the updated USBC sections which were adopted by the State and which are enforced at the local level.



Honorable Mayor and Members of City Council  
December 5, 2005  
Page 2

Recommended Action:

City Council adopt an ordinance (attachment) amending Sections 7-5 and 7-35 of the Code of the City of Roanoke (1979), as amended, to bring the City Code into conformity with the recent amendments to the Virginia Uniform Statewide Building Code.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:mmh

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Brian Townsend, Director, Planning Building and Economic Development  
Karl S. Cooler, Building Commissioner  
Ford P. Weber, Director, Housing and Neighborhood Services

CM05-00176

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §7-5, Adopted; where copies filed, and §7-35, Definitions, of Article II, Building Code, of Chapter 7, Building Regulations, of the Code of the City of Roanoke (1979), as amended, to update code enforcement regulations; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained by amending §7-5, Adopted; where copies filed, and §7-35, Definitions, of Article II, Building Code, of Chapter 7, Building Regulations, to read and provide as follows:

Sec. 7-5. Adopted; where copies filed.

The provisions, requirements and regulations contained in the Virginia Uniform Statewide Building Code (2003 ~~2000~~ edition), and each of the component parts, including, but not limited to, the International Building Code (2003 ~~2000~~ edition), the International Property Maintenance Code (2003 ~~2000~~ edition), the International Plumbing Code (2003 ~~2000~~ edition), the International Mechanical Code (2003 ~~2000~~ edition), the National Electrical Code (2002 ~~1999~~ edition), the International Fuel Gas Code (2003 ~~2000~~ edition), the International Energy Conservation Code (2003 ~~2000~~ edition), the International Residential Code for One and Two-Family Dwellings (2003 ~~2000~~ edition), *and the International Existing Building Code (2003 edition)*, including all supplements to such component parts, as the same may from time to time be amended by the State Board of Housing and Community Development, are hereby adopted by the city and incorporated herein by reference as if set out at length herein. The Virginia Uniform Statewide Building Code (2003 ~~2000~~ edition), and its component parts, shall be controlling in the construction, reconstruction, alteration, enlargement, repair, maintenance, conversion or demolition of buildings and other structures

contained within the corporate limits of the city. Such code, or any of its components, shall be referred to in this chapter as the building code. Copies of the building code shall be kept on file in the office of the building commissioner and in the office of the city clerk.

\* \* \*

Sec. 7-35. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

Building code means that portion of the building code entitled, “~~ICC~~ International Property Maintenance Code”, as referred to and adopted by reference in section 7-5 of this Code, and any amendments to, or subsequent editions of, the ~~ICC~~ International Property Maintenance Code.

\* \* \*

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

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December 5, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Proposed Fee Schedule Changes  
For Use of City Market Spaces

### **Background:**

Downtown Roanoke, Inc. (DRI) handles the day to day operations for the Historic Roanoke City Market for the City of Roanoke. The vendors selling goods on the City Market currently pay DRI a monthly market space fee ranging from \$35.00 to \$40.00 and a daily rate of \$10.00 per space. DRI uses fee revenues for DRI management fees and to fund operational and marketing expenses for the City Market. The fees were last revised in September 2003 with an effective date of January 1, 2004.

DRI staff worked with the Market Rules Committee, which included several vendors, to evaluate and revise the fees for use of Market spaces, as well as revisions to the Market Handbook. On November 11, 2005, the proposed revised fees were approved by the Market Rules Committee. The DRI Executive Committee has also approved such fees. On November 18, 2005, a scheduled quarterly meeting was held with Market vendors, and they were briefed on the proposed revised fees. Most of the Market vendors are in agreement with the proposed revised fee schedule set forth herein. On November 15, 2005, the DRI Executive Committee, acting on behalf of the DRI Board of Directors, voted in favor of the proposed revised fee schedule.

The effective date for such proposed revised fee changes will be January 1, 2006.

Considerations:

In light of the need for updating the market fee schedule and enhancing promotional efforts, which has been expressed many times by vendors participating in this process, the recommended fees are set forth below.

The proposed revised market space fees would be as follows for each market space covered by such permit or license:

DAILY PERMIT:

- Monday through Thursday - \$10.00 per space per day.
- Friday and Saturday - \$15.00 per space per day.

PRIMARY/SHARED PERMIT:

- SIX MONTH PERMIT: Six month permits at \$35.00 per space per month).
- SINGLE MONTH PERMIT: Monthly permits at \$40 per space per month only during the months of January through October.
- SATURDAY ONLY PERMIT: Six month minimum at \$40 per space per month.
- HOLIDAY SEASON PERMIT: (November 1 through December 31). Two month minimum at \$75 per space per month.

SPREADING FEE: \$5.00 per space per day.

CLEANUP FEE: Actual cost of cleanup per Section VIII (C) of the Market Handbook.

Honorable Mayor and Members of City Council  
December 5, 2005  
Page 3

**Recommended Action:**

City Council approve the market space fees for the City Market as mentioned above and amend the City's Fee Compendium to reflect the revised market space fees set forth above, with an effective date of January 1, 2006.

Respectfully submitted,



Darlene L. Burdham  
City Manager

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda B. Russell, Assistant City Manager for Community Development  
Brian Townsend, Director of Planning, Building and Economic  
Development

CM05-00177

D.T.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION providing for an amendment to the fees charged for the use of market spaces at the Roanoke City Market, with such changes to be effective January 1, 2006; and directing amendment of the Fee Compendium.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. As set out in the City Manager's letter to Council dated December 5, 2005, the market space fees for the use of spaces at the Roanoke City Market shall be, and hereby are, amended in accordance with the following fee schedule, which shall be effective on January 1, 2006:

DAILY PERMIT:

- Monday through Thursday - \$10.00 per space per day.
- Friday and Saturday - \$15.00 per space per day.

PRIMARY/SHARED PERMIT:

- SIX MONTH PERMIT:  
Six month permits at \$35.00 per space per month.
- SINGLE MONTH PERMIT:  
Monthly permits at \$40 per space per month only during the months of January through October.
- SATURDAY ONLY PERMIT:  
Six month minimum at \$40 per space per month.
- HOLIDAY SEASON PERMIT:  
(November 1 through December 31). Two month minimum at \$75 per space per month.
- SPREADING FEE:  
\$5.00 per space per day.
- CLEANUP FEE:  
Actual cost of cleanup per Section VIII (C) of the Market Handbook.

2. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, as amended, shall be amended to reflect the new market space fees for the Roanoke City Market as set forth above.

ATTEST:

City Clerk.





## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

City Web: [www.roanokeva.gov](http://www.roanokeva.gov)

December 5, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Additional State Funding  
for Social Service  
Programs

### **Background:**

Social Services, through our Foster Care Program, provides out-of-home placements for children who are in need of protection and can no longer live at home. For those children who are deemed eligible for Title IV-E funding, the Federal and State governments will reimburse localities for the costs of out-of-home placements at 100% of the maintenance, day care and visitation-related transportation. Federal and State funding is also available to assist with maintenance costs and special needs for adoptive families and assist with refugee resettlement.

### **Considerations:**

The City of Roanoke will receive additional funding for Foster Care, Special Needs Adoption, Adoption Incentive, Subsidized Adoption and Refugee Resettlement for FY 2005-2006 in the amount of \$465,000. Social Services currently maintains over 600 children who are in Foster Care or who receive some type of adoption assistance and the cost of providing services to these children continues to increase. Many of these children have difficulties which require special needs payments.

Recommended Action:

Adopt the accompanying budget ordinance to increase General Fund revenue estimates by \$465,000 and appropriate funding in the same amount as outlined below:


Revenues

001-110-1234-0679 (Refugee Program)	\$ 9,000
001-110-1234-0675 (Foster Care)	<u>456,000</u>
	465,000

Appropriations

001-630-5313-3150 (Indo-Chinese)	\$ 9,000
001-630-5314-3115 (ADC Foster Care)	232,000
001-630-5314-3130 (Special Needs Adoption)	81,000
001-630-5314-3131 (Adoption Incentive)	1,000
001-630-5314-3155 (Subsidized Adoption)	<u>142,000</u>
	465,000

Respectfully submitted,

  
Darlene L. Burcham  
City Manager

DLB:icb

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda B. Russell, Assistant City Manager for Community Development  
Jane R. Conlin, Director of Human Services/Social Services

CM05-00174

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth for various Department of Social Services programs, amending and reordaining certain sections of the 2005-2006 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Refugee Resettlement	001-630-5313-3150	9,000
ADC Foster Care	001-630-5314-3115	232,000
Special Needs Adoption	001-630-5314-3130	81,000
Adoption Incentive Funds	001-630-5314-3131	1,000
Subsidized Adoption IV-E	001-630-5314-3155	142,000
Revenues		
Foster Care	001-110-1234-0675	456,000
Refugee Program	001-110-1234-0679	9,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
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City Web: [www.roanokeva.gov](http://www.roanokeva.gov)

December 5, 2005

Honorable C. Nelson Harris, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Performance Agreement for an  
Economic Development Grant:  
Faison-Southern Lane, LLC  
CM05-00179

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham". The signature is fluid and cursive.

Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
City Clerk  
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia, (IDA), and Faison-Southern Lane, LLC (FSL) that provides for certain undertakings by the parties in connection with the development of certain property located along U.S. Route 220/Franklin Road, in the City of Roanoke; and dispensing with the second reading by title of this Ordinance.

WHEREAS, FSL has proposed the development of certain property located along U.S. Route 220/Franklin Road;

WHEREAS, the development of the site will require significant infrastructure cost for the site development in order to provide for retail activity;

WHEREAS, FSL has requested an economic development grant through the IDA to assist in the unusual expense for development of the site;

WHEREAS, City staff has advised Council that such Project will benefit economic development within the City and the Roanoke Valley; and

WHEREAS, the City and the IDA wish to encourage FSL in connection with the development of the Project in order to enhance and promote economic development within the City and the Roanoke Valley.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. City Council hereby approves the terms of the Performance Agreement among the City, the IDA, and FSL, as set forth in the attachment to the City Manager's letter to Council

dated December 5, 2005, which provides for certain undertakings and obligations by FSL, as well as certain undertakings by the City and the IDA. City Council further finds that the economic development grant provided for by the Performance Agreement will promote economic development within the City and the Roanoke Valley.

2. The City Manager and the City Clerk are authorized on behalf of the City to execute and attest, respectively, a Performance Agreement among the City, the IDA, and FSL, upon certain terms and conditions as set forth in the City Manager's letter to Council dated December 5, 2005. The Performance Agreement shall be substantially similar to the one attached to such letter and in a form approved by the City Attorney.

3. The City Manager is further authorized to take such actions and execute such documents as may be necessary to provide for the implementation and administration of such Performance Agreement.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
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Roanoke, Virginia 24011-1591

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City Web: [www.roanokeva.gov](http://www.roanokeva.gov)

**December 5, 2005**

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Lease of City Owned  
Property at 515 and 530 8<sup>th</sup> Street**

### **Background:**

The City of Roanoke and the Commonwealth of Virginia, by the Virginia Department of Health (VDH), entered into a Lease Agreement dated June 5, 2001, granting the Virginia Department of Health permission to lease City owned office space located at 515 and 530 8<sup>th</sup> Street in the City of Roanoke. The term of this Lease Agreement began July 1, 2001, and terminated June 30, 2004. The VDH and the City of Roanoke amended this lease to extend the term by one (1) year, which established a new expiration date of June 30, 2005. The Virginia Department of Health has leased this space from the City of Roanoke for a number of years prior to this most recent Lease. VDH has continued to occupy such office space and desires to continue leasing the space for another year as the build out of new space for the VDH proceeds at the Civic Mall facility on Williamson Road.

### **Considerations:**

The VDH has proposed amending the current Lease Agreement to extend the term by one (1) year, retroactive to July 1, 2005, and which will

establish a new expiration date of June 30, 2006, with the option to renew on a month-to-month basis for a period of up to one (1) additional year. All other terms and conditions of the Lease will remain unchanged. The VDH will continue to pay rent

in the amount of \$38,950.00 per quarter for the one (1) year extension. If the Lease is extended past the June 30, 2006, date, it will be on a month-to-month basis for up to an additional twelve months, and rent will be paid monthly in the amount of \$12,983.33

Recommended Action:

Authorize the City Manager to execute the appropriate documents, approved as to form by the City Attorney, to amend the Lease Agreement dated June 5, 2001, to lease City owned space located at 515 and 530 8<sup>th</sup> Street, to the Commonwealth of Virginia for use by the Virginia Department of Health. The proposed Amendment shall be in accordance with the provisions outlined in the Second Amendment to Deed of Lease, a copy of which is attached.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:lpp

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda Russell, Assistant City Manager  
Brian Townsend, Director Planning, Building and Economic Development  
David Collins, Assistant City Attorney  
Lisa Poindexter-Plaia, Economic Development Specialist

CM05-00175



## SECOND AMENDMENT TO DEED OF LEASE

This Second Amendment to Deed of Lease (the "Amendment"), dated \_\_\_\_\_, 20\_\_\_\_, is made part of the Deed of Lease dated June 5, 2001, (the "Lease") by and between the CITY OF ROANOKE, as Lessor, and the COMMONWEALTH OF VIRGINIA, by the Department of Health, as Lessee.

### W I T N E S S E T H

WHEREAS, by the terms of the Lease, Lessor leased to Lessee those certain parcels of land situated in the city of Roanoke, Virginia 24016 known as 515 and 530 Eight Street, SW, together with the buildings thereon known as the "Health Center Building" and the "Health Center Annex" containing 20,000 square feet including use of the public parking lot; and,

WHEREAS, the original term of the Lease began July 1, 2001, and ended June 30, 2004, and,

WHEREAS, the First Amendment to Deed of Lease extended the term to end June 30, 2005, and,

WHEREAS, the parties hereto desire to amend the Lease as hereinafter set forth.

NOW THEREFORE, it is agreed that the Lease be amended as follows:

1. The Initial Term of the Lease, as amended, shall be extended twelve (12) months (the "Extension Period") and shall now terminate on June 30, 2006. Rent shall continue to be paid in installments of Thirty Eight Thousand Nine Hundred Fifty and 00/100 Dollars (\$38,950.00) due and payable in arrears at the end of each quarter. The initial term of the lease may be extended for an additional period of one month each, for a period not to exceed 12 months upon expiration of the initial term of the lease. For such renewal term rent shall be paid in the monthly amount of Twelve Thousand Nine Hundred Eighty-Three and 33/100 Dollars (\$12,983.33).

Except as amended herein, the Lease shall remain in full force and effect.

This Amendment shall not be effective or binding unless and until signed by both parties and approved by the Governor of Virginia pursuant to Section §2.2-1149 of the Code of Virginia (1950), as amended.

In WITNESS WHEREOF, the parties have affixed their signatures and seals.

LESSOR: CITY OF ROANOKE

By: \_\_\_\_\_

Title: \_\_\_\_\_

LESSEE: COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing Amendment was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_ by \_\_\_\_\_ acting in his/her capacity as \_\_\_\_\_  
for the City of Roanoke on behalf of the city.

My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

STATE OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, to wit:

The foregoing Amendment was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_  
by \_\_\_\_\_ acting in his/her capacity as \_\_\_\_\_  
of the Commonwealth of Virginia, Department of Health, on behalf of the agency.

My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

RECOMMEND APPROVAL:  
Division of Engineering and Buildings

By: \_\_\_\_\_  
Director

RECOMMEND APPROVAL:  
Department of General Services

By: \_\_\_\_\_  
Director

APPROVED BY THE GOVERNOR

Pursuant to Section §2.2-1149 of the Code of Virginia (1950), as amended, and by the authority delegated to me under Executive Order 88(01), dated December 21, 2001, I hereby approve this Amendment to Deed of Lease and the execution of this instrument for and on behalf of the Governor of Virginia.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of Administration

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute an amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the Department of Health ("VDH"), to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2006, and the option to renew on a month-to-month basis for an additional one year period, for office space located at 515 and 530 8<sup>th</sup> Street for the VDH, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, in form approved by the City Attorney, an amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the VDH, to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2006, and the option to renew on a month-to-month basis for an additional one year period, for office space located at 515 and 530 8<sup>th</sup> Street for the VDH, at a lease fee of \$38,950.00 per quarter, and if the lease is extended past the one year period on a month-to-month basis rent will be paid monthly in the amount of \$12,983.33, as more particularly set forth in the City Manager's letter dated December 5, 2005, to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

December 5, 2005

Honorable C. Nelson Harris, Mayor  
 Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Sherman P. Lea, Council Member  
 Honorable Brenda L. McDaniel, Council Member  
 Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: October Financial Report

The adopted budget for the fiscal year 2006 totaled \$223.8 million representing a 5.7% increase over the previous year's adopted budget. This financial report covers the first four months of activity for fiscal year 2006. The following narrative provides commentary on the significant events of this period.

### Revenues

Revenues through October 2005 increased 8.3% compared to the prior fiscal year, led by growth in real estate and the increased meals tax. Variances from the prior year are addressed as follows:

General Property Taxes increased 8.4% as a result of growth in reassessments and new construction. The first installment of the real estate tax was due October 5<sup>th</sup>. This tax is expected to grow 9.3 % as a whole in FY 2006, and actual growth has followed this trend as collections of real estate tax are up 9.2%. Personal property taxes decreased slightly through October; however, the majority of collections occur in the spring.

Other Local Taxes increased 14.5% through October. The Prepared Food and Beverage tax rate increased from 4% to 5% effective July 1<sup>st</sup> resulting in the overall double-digit increase in local taxes. Through October, this rate increase has provided approximately \$495,000 in additional revenue and is expected to provide revenue growth of approximately \$2 million throughout the fiscal year. Notwithstanding the rate increase, Prepared Food and Beverage tax increased 5.2%, a positive trend in this tax. Also indicative of a positive trend in our economy is growth in the performance of the Sales Tax and Transient Room Tax, with 4.9% and 7.7% increases respectively. Growth in Transient Room Tax revenues is influenced by positive performance at local hotels, as well as results from ongoing tax audits.

Revenue from the Use of Money and Property increased significantly over the prior year as a result of interest income on the Budget Stabilization Reserve. The reserve was established in late FY05 by transfer from the Debt Service Fund.

Internal Services revenues increased 5.6% as a result of an increase in reimbursement from the Roanoke Regional Airport for Fire Safety expenditures due to an increase in personnel costs in the current fiscal year. A timing difference in billings to departments for engineering charges also contributed to the increase.

Miscellaneous Revenue increased 5.9% as a result of insurance proceeds resulting from a water leak in the Municipal Building and the receipt of registration fees for the Building New Partnerships Conference.

#### Expenditures

The FY06 expenditure budget includes funding of approximately \$1.4 million to cover contracts and purchase orders made during FY05 but not paid by the end of that year. City Council approved re-appropriation of this funding when adopting the General Fund budget in May.

General Fund expenditures as a whole increased 2.9%. All departments are affected by the 3% average pay raise granted to City employees beginning July 1, 2005. Additionally, a change in the billing methodology of the Fleet and Department of Technology (DoT) funds will affect user departments. Beginning in FY06, the General Fund will fund capital outlay for Fleet and DoT through a billing to user departments instead of by a General Fund transfer as in prior years. This will cause a decline in the Nondepartmental category and an offsetting increase in numerous other categories throughout FY06. Other variances between FY05 and FY06 are addressed as follows.

Public Works expenditures decreased despite the aforementioned changes in part due to a reduction in maintenance contracts in the current fiscal year.

Health and Welfare expenditures decreased 9.9% in the current year due to a timing difference in the encumbrance of the recently approved Health Department subsidy.

Parks, Recreation and Cultural expenditures increased 16.0% in part due to the reclassification of Event Zone, Virginia Amateur Sports, and Downtown Roanoke Inc expenditures from Community Development to Parks and Recreation Administration. There was also an increase in special project expenditures for Youth Services.

Community Development costs declined 8.3% due to the aforementioned reclassification of various contribution expenditures to the Parks, Recreation, and Cultural category which were previously funded by Community Development cost centers. A timing difference in the second quarter subsidy payment to the Roanoke Valley Convention and Visitor's Bureau also contributed to the difference.

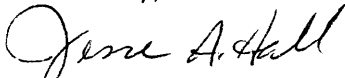
Honorable Mayor and Members of Council  
December 5, 2005  
Page 3

Transfer to Debt Service Fund increased 8.6% primarily due to debt service payments on the 2004B public improvement bonds which were issued in November 2004.

Transfer to School Fund increased 7.2% in part due to a timing difference in the School's request for their portion of General Fund undesignated fund balance. Additionally, the Schools are due to receive more in undesignated fund balance than in the prior year.

Nondepartmental expenditures declined 20.9% due to a decrease in the amount of undesignated fund balance transferred to the Capital Projects Fund. The above mentioned change in internal service billing methodology also contributed to the reduction of expenditures in this category.

Sincerely,

  
Jesse A. Hall  
Director of Finance

JAH:DLH:ca

Attachments

c: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Rolanda B. Russell, Assistant City Manager  
James Grigsby, Acting Assistant City Manager  
Sherman M. Stovall, Director of Management and Budget

**CITY OF ROANOKE, VIRGINIA  
GENERAL FUND**

**STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - October 31 2004-2005	July 1 - October 31 2005-2006	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 29,645,068	\$ 32,122,622	8.36 %	\$ 93,243,000	34.45%
Other Local Taxes	10,837,586	12,410,437	14.51 %	65,801,000	18.86%
Permits, Fees and Licenses	429,375	419,104	-2.39 %	1,069,000	39.21%
Fines and Forfeitures	465,583	461,089	-0.97 %	1,354,000	34.05%
Revenue from Use of Money and Property	180,150	342,764	90.27 %	722,000	47.47%
Grants-in-Aid Commonwealth	10,978,562	11,433,630	4.15 %	49,926,105	22.90%
Grants-in-Aid Federal Government	-	-	- %	38,000	0.00%
Charges for Services	2,706,123	2,648,628	-2.12 %	8,891,000	29.79%
Internal Services	602,677	636,591	5.63 %	2,527,000	25.19%
Miscellaneous Revenue	201,108	213,001	5.91 %	384,000	55.47%
<b>Total</b>	<b>\$ 56,046,232</b>	<b>\$ 60,687,866</b>	<b>8.28 %</b>	<b>\$ 223,955,105</b>	<b>27.10%</b>

**STATEMENT OF EXPENDITURES AND ENCUMBRANCES**

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - October 31 2004-2005	July 1 - October 31 2005-2006	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	3,596,511	3,893,582	8.26 %	\$ 8,258,706	\$ 12,152,288	32.04%
Judicial Administration	1,919,233	1,972,617	2.78 %	5,031,659	7,004,276	28.16%
Public Safety	18,205,088	19,313,129	6.09 %	36,875,221	56,188,350	34.37%
Public Works	9,291,948	9,290,161	-0.02 %	14,295,144	23,585,305	39.39%
Health and Welfare	10,553,122	9,513,961	-9.85 %	21,254,194	30,768,155	30.92%
Parks, Recreation and Cultural	2,946,966	3,417,905	15.98 %	6,379,971	9,797,876	34.88%
Community Development	2,153,008	1,974,545	-8.29 %	3,762,711	5,737,256	34.42%
Transfer to Debt Service Fund	11,178,273	12,142,586	8.63 %	5,582,132	17,724,718	68.51%
Transfer to School Fund	17,732,102	19,010,288	7.21 %	36,234,866	55,245,154	34.41%
Nondepartmental	2,867,342	2,267,473	-20.92 %	7,967,069	10,234,542	22.16%
<b>Total</b>	<b>\$ 80,443,593</b>	<b>\$ 82,796,247</b>	<b>2.92 %</b>	<b>\$ 145,641,673</b>	<b>\$ 228,437,920</b>	<b>36.24%</b>



**CITY OF ROANOKE, VIRGINIA  
CIVIC FACILITIES FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE FOUR MONTHS ENDING OCTOBER 31, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b>Operating Revenues</b>		
Rentals	\$ 130,751	\$ 204,826
Event Expenses	37,793	62,610
Display Advertising	34,668	45,839
Admissions Tax	59,116	173,155
Electrical Fees	3,540	8,115
Novelty Fees	16,004	45,061
Facility Surcharge	45,860	96,911
Marketing Promotions	-	8,165
Charge Card Fees	14,606	45,820
Commissions	12,114	36,180
Catering/Concessions	203,997	268,803
Other	3,772	5,457
<b>Total Operating Revenues</b>	<u>562,221</u>	<u>1,000,942</u>
<b>Operating Expenses</b>		
Personal Services	586,570	597,149
Operating Expenses	467,357	477,683
Depreciation	187,619	159,548
<b>Total Operating Expenses</b>	<u>1,241,546</u>	<u>1,234,380</u>
<b>Operating Loss</b>	<u>(679,325)</u>	<u>(233,438)</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	15,346	6,625
Transfer from General Fund		42,324
Transfer to Debt Service Fund	(47,809)	(48,409)
Interest and Fiscal Charges	(31,314)	(31,774)
Miscellaneous	(356)	5,430
<b>Net Nonoperating Revenues (Expenses)</b>	<u>(64,133)</u>	<u>(25,804)</u>
<b>Net Loss</b>	<u><u>\$ (743,458)</u></u>	<u><u>\$ (259,242)</u></u>

**CITY OF ROANOKE, VIRGINIA  
PARKING FUND  
COMPARATIVE INCOME STATEMENT  
FOR THE FOUR MONTHS ENDING OCTOBER 31, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b>Operating Revenues</b>		
Century Station Parking Garage	\$ 142,510	\$ 120,797
Williamson Road Parking Garage	175,720	175,270
Market Square Parking Garage	75,369	76,342
Church Avenue Parking Garage	213,087	186,008
Tower Parking Garage	144,235	138,254
Gainsboro Parking Garage	40,165	33,018
Williamson Road Surface Lots	27,971	29,004
Norfolk Avenue Surface Lot	12,255	22,818
Gainsboro Surface Lot	15,881	16,814
Church Avenue Surface Lot	15,200	15,200
Bullitt Avenue Surface Lot	26,971	26,492
Salem Avenue Surface Lot	7,678	7,350
West Church/YMCA Surface Lots	10,015	4,088
<b>Total Operating Revenues</b>	<u>907,057</u>	<u>851,455</u>
<b>Operating Expenses</b>		
Operating Expenses	368,502	375,366
Depreciation	193,266	211,946
<b>Total Operating Expenses</b>	<u>561,768</u>	<u>587,312</u>
<b>Operating Income</b>	<u>345,289</u>	<u>264,143</u>
<b>Nonoperating Revenues (Expenses)</b>		
Interest on Investments	20,041	7,989
Interest and Fiscal Charges	(100,054)	(107,485)
<b>Net Nonoperating Expenses</b>	<u>(80,013)</u>	<u>(99,496)</u>
<b>Net Income</b>	<u><u>\$ 265,276</u></u>	<u><u>\$ 164,647</u></u>

**CITY OF ROANOKE, VIRGINIA  
MARKET BUILDING FUND  
INCOME STATEMENT  
FOR THE FOUR MONTHS ENDING OCTOBER 31, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b>Operating Revenues</b>		
Retail Space Rental	<u>\$ 92,739</u>	<u>\$ 70,301</u>
<b>Total Operating Revenues</b>	<u>92,739</u>	<u>70,301</u>
<b>Operating Expenses</b>		
Operating Expense	64,367	89,437
Depreciation	<u>2,599</u>	<u>2,532</u>
<b>Total Operating Expenses</b>	<u>66,966</u>	<u>91,969</u>
<b>Operating Income (Loss)</b>	<u>25,773</u>	<u>(21,668)</u>
<b>Nonoperating Revenues</b>		
Interest on Investments	971	206
Miscellaneous	<u>130</u>	<u>-</u>
<b>Net Nonoperating Revenues</b>	<u>1,101</u>	<u>206</u>
<b>Net Income (Loss)</b>	<u><u>\$ 26,874</u></u>	<u><u>\$ (21,462)</u></u>

**CITY OF ROANOKE, VIRGINIA  
CITY TREASURER'S OFFICE  
GENERAL STATEMENT OF ACCOUNTABILITY  
FOR THE MONTH ENDED OCTOBER 31, 2005**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED OCTOBER 31, 2005.

FUND	BALANCE AT SEPT 30, 2005	RECEIPTS	DISBURSEMENTS	BALANCE AT OCT 31, 2005	BALANCE AT OCT 31, 2004
GENERAL	\$25,575,277.01	\$20,673,559.26	\$24,120,104.61	\$22,128,731.66	\$1,727,834.49
WATER	420.00	0.00	0.00	420.00	420.00
WATER POLLUTION CONTROL	1,738.22	0.00	0.00	1,738.22	1,738.22
CIVIC FACILITIES	5,093,845.36	98,085.31	1,153,161.52	4,038,769.15	689,533.00
PARKING	3,336,503.06	217,543.57	214,168.83	3,339,877.80	811,691.77
CAPITAL PROJECTS	54,072,183.18	463,689.57	984,943.93	53,550,928.82	50,268,418.46
MARKET BUILDING OPERATIONS	130,534.69	21,909.43	45,914.10	106,530.02	(7,678.09)
CONFERENCE CENTER	3,792,127.93	7,529.17	4,119.48	3,795,537.62	3,949,278.67
DEBT SERVICE	(5,291,791.08)	6,365,000.87	234,287.23	838,922.56	15,080,570.15
DEPT OF TECHNOLOGY	4,068,048.85	690,137.41	276,163.04	4,482,023.22	3,573,254.02
FLEET MANAGEMENT	180,709.93	1,336,699.79	242,167.00	1,275,242.72	(101,676.93)
PAYROLL	(13,024,944.36)	16,663,174.77	16,894,514.81	(13,256,284.40)	(12,829,520.32)
RISK MANAGEMENT	10,889,038.86	1,026,468.31	635,339.80	11,280,167.37	12,119,822.40
PENSION	399,547.88	1,839,212.03	1,791,691.00	447,068.91	629,631.65
SCHOOL FUND	6,280,480.28	7,736,903.14	7,481,441.33	6,535,942.09	6,998,078.58
SCHOOL CAPITAL PROJECTS	4,317,956.66	10,689.34	2,692,201.89	1,636,444.11	824,682.92
SCHOOL FOOD SERVICE	78,101.17	597,034.90	608,234.00	66,902.07	(278,958.05)
FDCTC	0.00	0.00	0.00	0.00	129.00
GRANT	846,006.60	1,396,419.29	523,100.99	1,719,324.90	371,954.02
<b>TOTAL</b>	<b>\$100,745,784.24</b>	<b>\$59,144,056.16</b>	<b>\$57,901,553.56</b>	<b>\$101,988,286.84</b>	<b>\$83,829,203.96</b>

**CERTIFICATE**

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED OCTOBER 31, 2005.  
THAT SAID FOREGOING:

**CASH**

CASH IN HAND	\$8,208.74
CASH IN BANK	399,365.87

**INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:**

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	6,850,000.00
COMMERCIAL PAPER	3,938,882.23
LOCAL GOVERNMENT INVESTMENT POOL	9,720,622.80
MONEY MANAGEMENT ACCOUNT	10,793,732.74
REPURCHASE AGREEMENTS	14,000,000.00
U. S. AGENCIES	18,563,501.60
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	21,812,782.97
VIRGINIA SNAP PROGRAM (U. S. SECURITIES)	15,901,189.89

**TOTAL**

**\$101,988,286.84**

NOVEMBER 18, 2005

  
EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN  
STATEMENT OF CHANGES IN PLAN NET ASSETS  
FOR THE FOUR MONTHS ENDED OCTOBER 31, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b><u>Additions:</u></b>		
Employer Contributions	\$ 2,478,057	\$ 1,841,732
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	5,380,134	3,251,940
Interest and Dividend Income	613,394	508,772
Total Investment Income (Loss)	5,993,528	3,760,712
Less Investment Expense	3,011	6,392
Net Investment Income (Loss)	5,990,517	3,754,320
Total Additions (Deductions)	<u>\$ 8,468,574</u>	<u>\$ 5,596,052</u>
 <b><u>Deductions</u></b>		
Benefits Paid to Participants	\$ 7,122,045	\$ 6,679,578
Administrative Expenses	20,861	21,137
Total Deductions	<u>7,142,906</u>	<u>6,700,715</u>
Net Increase (Decrease)	<b>1,325,668</b>	<b>(1,104,663)</b>
 <b>Net Assets Held in Trust for Pension Benefits:</b>		
Fund Balance July 1	<u>318,675,367</u>	<u>306,925,352</u>
Fund Balance October 31	<u><b>\$320,001,035</b></u>	<u><b>\$305,820,689</b></u>

**CITY OF ROANOKE PENSION PLAN  
BALANCE SHEET  
OCTOBER 31, 2005**

	<u>FY 2006</u>	<u>FY 2005</u>
<b><u>Assets</u></b>		
Cash	\$ 446,517	\$ 625,857
Investments, at Fair Value	321,349,224	306,866,606
Due from Other Funds	1,431	1,431
Other Assets	<u>-</u>	<u>6,531</u>
<b>Total Assets</b>	<b><u>\$ 321,797,172</u></b>	<b><u>\$ 307,500,425</u></b>
 <b><u>Liabilities and Fund Balance</u></b>		
<b>Liabilities:</b>		
Due to Other Funds	\$ 1,795,523	\$ 1,679,637
Accounts Payable	<u>614</u>	<u>99</u>
<b>Total Liabilities</b>	<u>1,796,137</u>	<u>1,679,736</u>
 <b>Fund Balance:</b>		
Fund Balance, July 1	318,675,367	306,925,352
Net Gain (Loss) - Year to Date	<u>1,325,668</u>	<u>(1,104,663)</u>
<b>Total Fund Balance</b>	<u>320,001,035</u>	<u>305,820,689</u>
<b>Total Liabilities and Fund Balance</b>	<b><u>\$ 321,797,172</u></b>	<b><u>\$ 307,500,425</u></b>



**CITY OF ROANOKE**  
**DEPARTMENT OF FINANCE**

215 Church Avenue, S.W., Room 461  
P.O. Box 1220  
Roanoke, Virginia 24006-1220  
Telephone: (540) 853-2821  
Fax: (540) 853-6142

**JESSE A. HALL**  
Director of Finance  
email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**  
Deputy Director  
email: ann\_shawver@ci.roanoke.va.us

December 5, 2005

Honorable C. Nelson Harris, Mayor  
Honorable Beverly T Fitzpatrick, Jr., Vice Mayor  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Sherman P. Lea, Council Member  
Honorable Brenda L. McDaniel, Council Member  
Honorable Brian J. Wishneff Council Member

Dear Mayor Harris and Members of City Council:

Subject: Authorization of Sale of Bonds

Resolution 37104, adopted by City Council on June 20, 2005, authorized the issuance of bonds for various projects including \$3,975,000 principal amount of General Obligation Bonds to finance the costs of acquisition of land for redevelopment, specifically the Countryside Golf Course. The resolution authorized the City Manager and Director of Finance to complete the sale of the bonds using either a negotiated or competitive method. The resolution provided the authority to complete a competitive sale, but did not authorize acceptance of bids for a negotiated sale.

In coordination with our financial advisor, BB&T Capital Markets, we determined that sale of bonds for this project by negotiated sale would be in the best financial interest of the City. This was due to the relatively small size of the bonds needed for this project coupled with our desire for flexibility in the bonds based on the fact that we are uncertain of the ultimate disposition of the property. Additionally, since development of the property will be in coordination with a private developer, the bonds needed to be issued as taxable debt.

It should be noted that general obligation bonds will be sold via competitive sale for the remaining projects outlined in the aforementioned resolution as well as for others previously approved by City Council. The total amount of the


Honorable Mayor and Members of Council  
December 5, 2005  
Page 2

bonds to be sold by competitive sale in late January 2006 will approximate \$35 million, all of which will be tax exempt. These bonds will fund projects such as the Patrick Henry High School renovation, the Civic Center renovation, the South Jefferson redevelopment area, the City's contribution to the Art Museum, and others.

Recommendation:

Adopt the accompanying resolution to authorize the sale of \$3,975,000 taxable bonds to provide funds for the acquisition of land for redevelopment and to delegate to the City Manager and the Director of Finance authority as outlined in the resolution to complete the sale of the bonds.

Sincerely,

A handwritten signature in cursive script that reads "Jesse A. Hall".

Jesse A. Hall  
Director of Finance

c: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION AUTHORIZING THE SALE OF NOT TO EXCEED THREE MILLION NINE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$3,975,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATIONS OF THE CITY OF ROANOKE, VIRGINIA, IN THE FORM OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, TAXABLE SERIES 2005, OF SUCH CITY, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF THE ACQUISITION OF LAND FOR REDEVELOPMENT; DELEGATING TO THE CITY MANAGER AND THE DIRECTOR OF FINANCE CERTAIN POWERS WITH RESPECT TO THE SALE AND THE DETERMINATION OF THE DETAILS OF SUCH BONDS; AND OTHERWISE PROVIDING WITH RESPECT TO THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

SECTION 1. The Council (the "Council") of the City of Roanoke, Virginia (the "City"), hereby finds and determines:

(a) On June 20, 2005, the Council adopted Resolution No. 37104-062005 (the "Authorizing Resolution"), authorizing the issuance of general obligations of the City, in the form of General Obligation Public Improvement Bonds of the City, including not to exceed \$3,975,000 principal amount of General Obligation Public Improvement Bonds for the purpose of providing funds to pay the costs of the acquisition of land for redevelopment.

(b) The Council has determined to authorize the sale of not to exceed \$3,975,000 principal amount of its General Obligation Public Improvement Bonds, Taxable Series 2005 (the "Bonds"), pursuant to and in accordance with the provisions of the Authorizing Resolution, and to delegate to the City Manager and the Director of Finance certain powers with respect to the sale and the determination of the details of the Bonds.

SECTION 2. (a) The Bonds shall be sold at negotiated sale on such date and at such price as shall be determined by the City Manager and the Director of Finance. The City Manager and the Director of Finance, without further action of this Council, (i) are hereby authorized to determine the dated date of the Bonds, the date the Bonds shall mature, the dates on which interest on the Bonds shall be payable, the aggregate principal amount of the Bonds and the principal amount of the Bonds maturing in each year, and (ii) are hereby further authorized to sell the Bonds at negotiated sale to such purchaser or purchasers as shall be

selected by the City Manager and the Director of Finance and to fix the rates of interest to be borne by the Bonds of each maturity; *provided, however*, in no event shall the true interest cost with respect to the Bonds exceed seven percent (7.00%). The City Manager and the Director of Finance are hereby authorized to determine the provisions relating to the redemption of the Bonds upon the advice of the City's financial advisor; *provided, however*, in no event shall any redemption premium payable by the City exceed two percent (2.00%).

(b) The Bonds shall be issued in accordance with the provisions of the Authorizing Resolution and this Resolution; *provided* that the provisions of Section 6 of the Authorizing Resolution shall not apply to the Bonds.

(c) All actions and proceedings heretofore taken by this Council, the City Manager, the Director of Finance and the other officers, employees, agents and attorneys of and for the City in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

SECTION 3. The City Clerk is hereby directed to file a copy of this Resolution, certified by such City Clerk to be a true copy hereof, with the Circuit Court of the City of Roanoke, Virginia, all in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 4. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by repealing Chapter 36.1, Zoning, consisting of §§36.1-1 through 36.1-730, and enacting Chapter 36.2, Zoning, consisting of §§36.2-1 through 36.2-840, and accompanying Appendices A, B and C, such Chapter 36.2 being a comprehensive revision of the zoning regulations of the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, on August 20, 2001, City Council adopted Vision 2001-2020 ("Comprehensive Plan"), a new Comprehensive Plan for the City, which plan has necessitated a comprehensive revision of the City's zoning regulations;

WHEREAS, the City conducted ten (10) stakeholder focus group sessions on June 25, June 26, and August 1, 2002, with sign industry representatives, neighborhood group leaders, land use attorneys, regional development leaders, business leaders, design and development professionals, and governmental boards and commissions, to identify opportunities and issues relating to growth and development in the City and to identify regulations which needed to be amended or adopted;

WHEREAS, the City conducted a housing issues roundtable on July 31, 2002, to which representatives of various groups interested in, and knowledgeable about, housing issues in the City were invited, and a public forum on August 1, 2002, to which the general public was invited, to identify additional opportunities and issues relating to growth and development in the City and to identify zoning regulations which needed to be amended or adopted;

WHEREAS, in July 2002, the City Manager appointed a Steering Committee consisting of representatives from the stakeholder groups, City Council, the Planning Commission for the City of

Roanoke (“Planning Commission”), the Board of Zoning Appeals for the City of Roanoke, the Architectural Review Board for the City of Roanoke, and City staff, to provide direction for the development of the new zoning ordinance, to review and revise draft zoning regulations, and to provide on-going feedback during the process;

WHEREAS, from September 2002 until December 2003, the Steering Committee conducted twenty-five (25) sessions to review and revise the draft zoning regulations;

WHEREAS, in February 2004, the Steering Committee released for public discussion a draft of the new zoning ordinance;

WHEREAS, on March 8, March 12, March 16, March 17, March 18, March 22, March 23, March 25, March 29, March 30, April 1, April 5, April 6, April 13, April 28 and April 29, 2004, City staff conducted six (6) public open houses and eleven (11) stakeholder focus group sessions with sign industry representatives, neighborhood group leaders, land use attorneys, business leaders, homebuilders, design and development professionals, and real estate industry representatives, to elicit public comment pertaining to the draft of the new zoning ordinance;

WHEREAS, to provide for public awareness of the open houses and the stakeholder focus group sessions, the City (1) placed two (2) easels and flyers with calendars, indicating the dates, times and locations of the open houses and sessions, in the lobby area of the Municipal Building and in the Departments of Housing and Neighborhood Services and Planning, Building and Economic Development, (2) posted open house schedules on the RVTV Message Board, (3) published two (2) block advertisements in the Roanoke Times, advertising the open house schedules, (4) placed drafts of the zoning ordinance in all branches of the City of Roanoke public library, (5) mailed a copy of the draft ordinance, with an explanation of the public comment process and how to participate in such process and provide input, to all neighborhood group leaders, (6) set up and staffed an

information and comment table on Citizen Appreciation Day on April 17, 2004, at Valley View Mall, (7) conducted meetings with, and gave presentations to, neighborhood and civic organizations, including the Roanoke Neighborhood Advocates, Downtown Roanoke, Inc., Williamson Road Area Business Association, the Roanoke Regional Chamber of Commerce, the Roanoke Regional Homebuilders Association, Neighbors in South Roanoke, Old Southwest, Inc., the Gilmer Neighborhood Steering Committee, and the Gainsboro Steering Committee, and (8) posted on the City's web site a copy of the draft zoning ordinance, which posting was viewed 1,117 times during the February 2004 to May 2004 period;

WHEREAS, from February 2, 2004 until May 31, 2004, the City documented more than 1,100 comments, including those on the draft zoning ordinance;

WHEREAS, beginning in June 2004, the Steering Committee met fourteen (14) times to consider all of those documented comments on the draft zoning ordinance and to recommend changes to the draft zoning ordinance;

WHEREAS, in December 2004, the Steering Committee completed its assigned task and presented to the Planning Commission a draft zoning ordinance for the City;

WHEREAS, between December 2004, and July 2005, City staff continued to meet with various civic and neighborhood organizations, including Old Southwest, Inc., Riverland Alert Neighbors, Gilmer Neighborhood, the Greater Raleigh Court Civic League and the Williamson Road Area Business Association, as well as individual property owners by request, regarding the draft zoning ordinance, to oversee questions and to elicit additional public comment;

WHEREAS, public news releases, newspaper articles, status reports and communications were disseminated by the City throughout the process to advise interested persons of the status of the process;

WHEREAS, after due and timely public notice, including a legal advertisement consisting of a special insert published on two dates, one week apart, in a newspaper of general circulation in the City of Roanoke in which all interested persons were advised of the City's intent to repeal Chapter 36.1, Zoning, and to adopt a new Chapter 36.2, Zoning, a descriptive summary of the terms of which was contained in the insert, the Planning Commission held a public hearing on July 28, 2005, on the draft zoning ordinance;

WHEREAS, in addition to the published legal advertisement described in the preceding paragraph, the City sent by first-class mail to all owners of the approximately 44,000 parcels of real estate in the City of Roanoke notice of (1) the City's intent to repeal Chapter 36.1, Zoning; (2) the City's intent to adopt a new Chapter 36.2, Zoning; (3) a descriptive summary of the terms of the new Chapter 36.2, Zoning; and (4) the date, time and place, of the Planning Commission's public hearing at which the new Chapter 36.2, Zoning, would be considered;

WHEREAS, following the Planning Commission's public hearing on July 28, 2005, the Planning Commission held fifteen (15) work sessions during which it considered the new Chapter 36.2, Zoning, and all comments received pertaining to it;

WHEREAS, the City Clerk for the City of Roanoke placed a notice on the public calendar in her office for all Steering Committee meetings, all Planning Commission work sessions and the public hearing held on July 28, 2005;

WHEREAS, on September 29, 2005, the Planning Commission unanimously recommended to City Council Chapter 36.2, Zoning;

WHEREAS, a public hearing was held on the new zoning ordinance by City Council at its meeting on November 21, 2005, after due and timely public notice thereof, including a legal advertisement consisting of a special insert published on two dates, one week apart, in a newspaper

of general circulation in the City of Roanoke in which all interested persons were advised of the City's intent to repeal Chapter 36.1, Zoning, and to adopt Chapter 36.2, Zoning, a descriptive summary of the text as recommended by the Planning Commission was contained in the insert, at which hearing all parties in interest and citizens were given an opportunity to be heard;

WHEREAS, this Council, after considering the proposed zoning ordinance, is of the opinion that the proposed zoning ordinance helps promote and provide for adequate light, air, convenience of access; safety from flood, fire, crime and other dangers; reduce or prevent congestion in the public streets; facilitate the creation of a convenient, attractive and harmonious community; facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; protect against destruction of, or encroachment upon, historic areas; protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health, or property from fire, flood, panic or other dangers; encourage economic development activities that provide desirable employment and enlarge the tax base; provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment, approach slopes and other safety areas of licensed airports; and promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the City, as well as a reasonable proportion of the current and future needs of the planning district within which the City is situated; and

WHEREAS, this Council, after considering the proposed zoning ordinance, is of the opinion that the proposed zoning ordinance is consistent with Vision 2001- 2020, the City's Comprehensive Plan, is required by the public necessity, convenience, general welfare, is good zoning practice, and

ought to be adopted in order to implement the Comprehensive Plan.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Chapter 36.1, Zoning, consisting of §§36.1-1 through 36.1-730 of the Code of the City of Roanoke (1979), as amended, is hereby REPEALED.

2. The Code of the City of Roanoke (1979), as amended, is amended and reordained by the addition of a new Chapter 36.2, Zoning, consisting of §§36.2-1 through 36.2-840, and accompanying Appendices A, B and C, to read and provide as set out in the copy of such Chapter 36.2 certified and attached to a letter dated November 21, 2005, to City Council by the Planning Commission, and filed with the City Clerk.

3. A landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by the adoption of Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, if the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect, allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act prior to the effective date of this ordinance.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE adopting a new zoning map entitled, "Official Zoning Map, City of Roanoke, Virginia," dated September 29, 2005, as the official zoning map for the City of Roanoke; and dispensing with the second reading by title of this ordinance.

WHEREAS, on August 20, 2001, City Council adopted Vision 2001-2020 ("Comprehensive Plan"), a new Comprehensive Plan for the City, which plan has necessitated a replacement of the Official 1976 Zoning Map, City of Roanoke, Virginia, dated October 11, 1976, as the map and boundaries have been amended from time to time, and a comprehensive revision of the City's zoning regulations;

WHEREAS, the City conducted ten (10) stakeholder focus group sessions on June 25, June 26, and August 1, 2002, with sign industry representatives, neighborhood group leaders, land use attorneys, regional development leaders, business leaders, design and development professionals, and governmental boards and commissions, to identify opportunities and issues relating to growth and development in the City and to identify zoning regulations which needed to be amended or adopted;

WHEREAS, the City conducted a housing issues roundtable on July 31, 2002, to which representatives of various groups interested in, and knowledgeable about, housing issues in the City were invited, and a public forum on August 1, 2002, to which the general public was invited, to identify additional opportunities and issues relating to growth and development in the City and to identify zoning regulations which needed to be amended or adopted;

WHEREAS, in July 2002, the City Manager appointed a Steering Committee consisting of

representatives from the stakeholder groups, City Council, the Planning Commission for the City of Roanoke ("Planning Commission"), the Board of Zoning Appeals for the City of Roanoke, the Architectural Review Board for the City of Roanoke, and City staff, to provide direction for the development of the new zoning ordinance, to review and revise draft zoning regulations, and to provide on-going feedback during the process;

WHEREAS, in February 2004, City staff released for public discussion a zoning map to accompany the Steering Committee's draft zoning ordinance;

WHEREAS, on March 8, March 12, March 16, March 17, March 18, March 22, March 23, March 25, March 29, March 30, April 1, April 5, April 6, April 13, April 28 and April 29, 2004, City staff conducted six (6) public open houses and eleven (11) stakeholder focus group sessions with sign industry representatives, neighborhood group leaders, land use attorneys, business leaders, homebuilders, design and development professionals, and real estate industry representatives, to elicit public comment pertaining to the proposed zoning map;

WHEREAS, to provide for public awareness of the open houses and the stakeholder focus group sessions, the City (1) placed two (2) easels and flyers with calendars, indicating the dates, times and locations of the open houses and sessions, in the lobby area of the Municipal Building and in the Departments of Housing and Neighborhood Services and Planning, Building and Economic Development, (2) posted open house schedules on the RVTV Message Board, (3) published two (2) block advertisements in the Roanoke Times, advertising the open house schedules, (4) mailed an explanation of the public comment process and how to participate in such process and provide input to all neighborhood group leaders, (5) set up and staffed an information and comment table on Citizen Appreciation Day on April 17, 2004, at Valley View Mall, (6) conducted meetings with, and gave presentations to, neighborhood and civic organizations, including the Roanoke Neighborhood

Advocates, Downtown Roanoke, Inc., Williamson Road Area Business Association, the Roanoke Regional Chamber of Commerce, the Roanoke Regional Homebuilders Association, Neighbors in South Roanoke, Old Southwest, Inc., the Gilmer Neighborhood Steering Committee, and the Gainsboro Steering Committee, and (7) posted on the City's web site a copy of the proposed zoning map, which posting was viewed 1,117 times during the February 2004 to May 2004 period;

WHEREAS, from February 2, 2004 until May 31, 2004, the City documented more than 1,100 comments, including those on the proposed zoning map;

WHEREAS, in May 2005, City staff released and posted on the City's web site a revised proposed zoning map;

WHEREAS, between December 2004, and July 2005, City staff continued to meet with various civic and neighborhood organizations, including Old Southwest, Inc., Riverland Alert Neighbors, Gilmer Neighborhood, the Greater Raleigh Court Civic League and the Williamson Road Area Business Association, as well as individual property owners by request, regarding the proposed zoning map, to oversee questions and to elicit additional public comment;

WHEREAS, public news releases, newspaper articles, status reports and communications were disseminated by the City throughout the process to advise interested persons of the status of the process;

WHEREAS, after due and timely public notice, including a legal advertisement consisting of a special insert published on two dates, one week apart, in a newspaper of general circulation in the City of Roanoke in which all interested persons were advised of the City's intent to adopt a new zoning map, a copy of which was contained in the insert, the Planning Commission held a public hearing on July 28, 2005, on the proposed zoning map;

WHEREAS, in addition to the published legal advertisement described in the preceding

paragraph, the City sent by first-class mail to all owners of the approximately 44,000 parcels of real estate in the City of Roanoke notice of (1) the City's intent to adopt a new zoning map; (2) the proposed zoning of the owner's property under the proposed zoning map; and (3) the date, time and place, of the Planning Commission's public hearing at which the proposed zoning map would be considered;

WHEREAS, following the Planning Commission public hearing, the Planning Commission held fifteen (15) work sessions during which it considered all comments received pertaining to the proposed zoning map;

WHEREAS, the City Clerk for the City of Roanoke placed a notice on the public calendar in her office for all Steering Committee meetings, all Planning Commission work sessions, and the public hearing held on July 28, 2005;

WHEREAS, on September 29, 2005, the Planning Commission unanimously recommended to City Council the proposed zoning map;

WHEREAS, a public hearing was held on the proposed zoning map by City Council at its meeting on November 21, 2005, after due and timely public notice thereof, which public notice included a legal advertisement published on two dates, one week apart, by a newspaper of general circulation in the City of Roanoke in which all interested persons were advised of the City's intent to adopt a new zoning map as recommended by the Planning Commission, a copy of which was contained in the insert, at which hearing all parties in interest and citizens were given an opportunity to be heard;

WHEREAS, this Council, after considering the proposed zoning map, is of the opinion that the proposed zoning map helps promote and provide for adequate light, air, convenience of access; safety from flood, fire, crime and other dangers; reduce or prevent congestion in the public streets;

facilitate the creation of a convenient, attractive and harmonious community; facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; protect against destruction of, or encroachment upon, historic areas; protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life, health, or property from fire, flood, panic or other dangers; encourage economic development activities that provide desirable employment and enlarge the tax base; provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment, approach slopes and other safety areas of licensed airports; and promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the City, as well as a reasonable proportion of the current and future needs of the planning district within which the City is situated; and

WHEREAS, this Council, after considering the proposed zoning map, is of the opinion that the proposed zoning map is consistent with Vision 2001- 2020, the City's Comprehensive Plan, is required by the public necessity, convenience, general welfare, is good zoning practice, and ought to be adopted in order to implement the Comprehensive Plan.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The zoning map entitled, "Official Zoning Map, City of Roanoke, Virginia," dated September 29, 2005, and attached to a letter dated November 21, 2005, to City Council by the Planning Commission, and filed with the City Clerk, is hereby adopted as the official zoning map for the City of Roanoke.

2. Pursuant to section 15.2-2234 of the Code of Virginia (1950), as amended, the City Clerk is requested to file a copy of the Official Zoning Map, City of Roanoke, Virginia, dated September 29, 2005, in the Office of the Clerk of the Circuit Court within thirty (30) days of the adoption of the zoning map.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.